

“§ 1715. Prohibition on smoking in facilities of the Veterans Health Administration

“(a) PROHIBITION.—No person (including any veteran, patient, resident, employee of the Department, contractor, or visitor) may smoke on the premises of any facility of the Veterans Health Administration.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘facility of the Veterans Health Administration’ means any land or building (including any medical center, nursing home, domiciliary facility, outpatient clinic, or center that provides readjustment counseling) that is—

“(A) under the jurisdiction of the Department of Veterans Affairs;

“(B) under the control of the Veterans Health Administration; and

“(C) not under the control of the General Services Administration.

“(2) The term ‘smoke’ includes—

“(A) the use of cigarettes, cigars, pipes, and any other combustion or heating of tobacco; and

“(B) the use of any electronic nicotine delivery system, including electronic or e-cigarettes, vape pens, and e-cigarettes.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by striking the item relating to section 1715 and inserting the following new item:

“1715. Prohibition on smoking in facilities of the Veterans Health Administration.”.

(b) CONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is repealed.

By Mr. DURBIN (for himself, Mr. LEE, Mr. COONS, and Mr. WICKER):

S. 1056. A bill to give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with non-violent drug offenses in Federal criminal cases; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Smarter Pretrial Detention for Drug Charges Act of 2023”.

SEC. 2. RELEASE CONDITIONS AND DETENTION IN FEDERAL CRIMINAL CASES.

Section 3142 of title 18, United States Code, is amended—

(1) by striking “(42 U.S.C. 14135a)” each place it appears and inserting “(34 U.S.C. 40702)”;

and

(2) in subsection (e)(3)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

By Mr. REED (for himself and Mr. DURBIN):

S. 1058. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

Mr. REED. Madam President, today I am introducing the Protection from Abusive Passengers Act, a bill that is aimed at eliminating the rash of violence and abuse that is occurring on commercial flights across the country. I am pleased to be joined in this effort by Representatives ERIC SWALWELL of California and BRIAN FITZPATRICK of Pennsylvania, who are introducing companion legislation in the other body. The goal of our bill is to send a clear signal that individuals who engage in serious abusive or violent behavior on an aircraft or at an airport security checkpoint will be banned from flying.

In the last few years, we have seen an extraordinary increase in the number of cases of violence and abuse against crewmembers and airline passengers. In 2022, the Federal Aviation Administration received 2,456 reports of “unruly passengers.” Those complaints led to 831 investigations, a record 567 enforcement actions initiated, and a historic \$8.45 million in proposed fines. That makes 2022 one of the most violent years in air travel since the FAA started tracking incidents in the mid-1990s, second only to 2021. While the numbers are trending down, we are still seeing some extraordinary dangerous and violent behavior.

In April 2022, the FAA proposed a record \$81,950 fine against a passenger who tried to open the cockpit door on an American Airlines flight from Dallas to Charlotte, struck and threatened multiple flight attendants, and continued to attempt to assault the crew and other passengers once restrained.

The FAA also proposed a \$77,272 fine against a passenger on a Delta flight from Las Vegas who “attempted to hug and kiss the passenger seated next to her; walked to the front of the aircraft to try to exit during flight; refused to return to her seat; and bit another passenger multiple times.”

Just this month, the Department of Justice reported the arrest of a passenger for allegedly attempting to open an emergency exit door while aboard a United Airlines flight from Los Angeles to Boston. During the incident, the passenger attempted to stab a flight attendant with a broken metal spoon, hitting the flight attendant on the neck area three times. Video of this disturbing assault went viral and was widely reported on.

In any setting, these actions would be shocking and unacceptable but on an airplane, such behavior also represents a danger to all passengers. Clearly, the existing regime of civil and criminal penalties have not been enough to deter this upsurge. We need to send a signal that such type of behavior will not be tolerated.

The Protection from Abusive Passengers Act would require the Transportation Security Administration to create and manage a program which bars passengers who are fined or con-

victed of abusive behavior and physical violence from flying. Transparency and notice will be provided to banned individuals, including guidelines for removal and opportunities for appeal. The bill would also permanently ban abusive passengers from participating in the TSA PreCheck or Customs’ Global Entry Programs.

The bill provides appropriate fairness and due process by ensuring that only individuals who have been assessed civil or criminal penalty for abusive and violent behavior will be included on a list of banned fliers. The bill also requires the TSA to explain how it will maintain its list of banned fliers, provide an explanation of how long an individual may be barred from flying based on the severity of the offense, and set guidelines for an individual to appeal and seek removal from the list of banned fliers.

I believe this bill strikes the appropriate balance of assuring fairness and transparency while sending a strong signal that violent and abusive behavior will not be tolerated. I am pleased that the bill is supported by both airline industry leaders and labor unions, including Air Line Pilots Association; Association of Flight Attendants, CWA; Association of Professional Flight Attendants; Transport Workers Union of America, AFL-CIO; Transportation Trades Department, AFL-CIO; Communications Workers of America, CWA; American Airlines; Delta Airlines; and Southwest Airlines. I hope that my colleagues will join me in supporting this important bill.

By Mr. CARDIN:

S. 1061. A bill to prospectively repeal the 2001 Authorization for Use of Military Force; to the Committee on Foreign Relations.

Mr. CARDIN. Madam President, the Senate today has finally voted to repeal two outdated and obsolete authorizations for the use of military force—those that launched two wars against the Iraqi Government of Saddam Hussein, enacted into law in 1991 and 2002.

Yet this is not the only action we must take to protect our national security. A third AUMF, which Congress enacted in 2001 in the aftermath of the 9/11 attacks on our country by the terrorist organization al-Qaida, is also outdated and ought to be repealed. This authorization was fully justified and necessary at the time, and I voted in favor of it.

It was sadly necessary to go to war in Afghanistan to remove the very real threat that al-Qaida posed from its sanctuary there.

But, as I have repeatedly argued in successive Congresses since 2014, this AUMF, too, is now obsolete. We ought to repeal it and replace it with a new AUMF that more accurately reflects the threats our country faces today.

Four Presidents from both parties have used the 2001 AUMF to target groups that did not even exist on 9/11/2001 in countries such as Yemen and

Somalia, far from the battlefield of Afghanistan. Presidents have used this AUMF in ways that those of us in Congress who voted for it could never have imagined 22 years ago.

Publicly available War Powers Resolution notifications that refer to the 2001 AUMF address more than 20 countries, including Afghanistan, Iraq, Syria, Yemen, Libya, Somalia, Niger, Philippines, Georgia, Djibouti, Kenya, Ethiopia, Eritrea, Turkey, Jordan, Lebanon, Cameroon, Chad, Nigeria, and Saudi Arabia.

The number of countries where the U.S. military has actually resorted to military action is smaller but not insignificant. Again based on War Powers Resolution notifications, the 2001 AUMF has been publicly cited as authorization for military activity in seven countries: Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Niger. No administration should continue to use the 2001 AUMF—that clearly and specifically is aimed at those who perpetrated the 9/11 attacks—as a blank check for war anywhere and anytime, and it is past time for Congress to take action.

In 2014 and 2015, President Obama relayed his intent to work with the Congress to repeal and replace the 2001 AUMF, at the time the United States was assembling the Coalition to Defeat ISIS, but we were not able to get it done.

Now, President Biden has reiterated the same intent. In the official Statement of Administration Policy on the bill we have passed today, the White House declared its support for passage of S. 316 and goes on to say:

Furthermore, President Biden remains committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework more appropriate to protecting Americans from modern terrorist threats. Toward that end, the Administration will ensure that Congress has a clear and thorough understanding of the effect of any such action and of the threats facing U.S. forces, personnel, and interests around the world.

So, in response to the invitation President Biden has extended to Congress to replace and repeal the 2001 AUMF, I am today introducing legislation that would prospectively repeal the outdated authorization—while providing enough time for both the executive and the legislative branches to agree on the most appropriate replacement. This legislation would sunset the existing AUMF in July 2025, 6 months into the next administration. So we will have adequate time to consult with the administration's national security professionals about the best way to do so.

This would also provide a framework for the necessary national debate about how to modernize our national security posture during the upcoming 2024 elections.

This is a pivotal moment. Congress must act to reassert its rightful role in war-making authorities, as set out in

article I of the Constitution. We must take action on all fronts. Having voted decisively to repeal the authorizations of 1991 and 2002 in legislation led by my able colleagues, Senator KAINE of Virginia and Senator YOUNG of Indiana, we now need to move with dispatch to repeal and replace the 2001 authorization. It is a responsibility that we must assume to protect our national security in today's context.

I look forward to moving on this initiative as soon as possible in this session of the 118th Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 133—HONORING THE 30TH ANNIVERSARY OF THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

Ms. BALDWIN (for herself, Mrs. CAPITO, Mr. CASSIDY, Mr. CRAPO, Mr. RISCH, Mr. DAINES, Ms. ROSEN, Mr. TESTER, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 133

Whereas the National Guard Youth Challenge Program (referred to in this preamble as the “Youth Challenge Program”) is celebrating 30 years of providing successful and free alternative education and structured discipline to at-risk youth between the ages of 16 and 18;

Whereas the Youth Challenge Program was born from the visionary concept of using a “whole person” intervention model to combat the effects of gangs, violence, high rates of school dropout, and drug abuse on a generation of youth;

Whereas the Youth Challenge Program is a federally and State-funded program that offers a unique opportunity for at-risk youth to change course at a critical time in life;

Whereas the multiphased Youth Challenge Program uses quasi-military discipline and training, coupled with educational instruction, learning, and mentorship, to promote the character development and resilience of at-risk youth;

Whereas one phase of the Youth Challenge Program is a 5½-month residential program that focuses on the following 8 core components: life-coping skills, leadership and followership, service to community, job skills, academic excellence, responsible citizenship, health and hygiene, and physical fitness;

Whereas another phase of the Youth Challenge Program is a 12-month mentoring phase that builds on the 8 core components to help shape youth into productive citizens ready for societal success;

Whereas there is now an optional fifth phase of the Youth Challenge Program called Job Challenge, in which Youth Challenge Program graduates under the age of 21 years old can pursue in-demand job certifications;

Whereas the Youth Challenge Program offers more than 8,000 cadets annually an opportunity to succeed outside of a traditional high school environment;

Whereas there are currently 39 Youth Challenge programs operating in 28 States, Puerto Rico, and the District of Columbia;

Whereas more than 200,000 cadets have graduated from the Youth Challenge Program;

Whereas more than 184,000 academic credentials have been awarded under the Youth Challenge Program; and

Whereas graduates of the Youth Challenge Program have improved physically and mentally and are poised to become assets to the communities of the graduates and to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that the National Guard Youth Challenge Program has been successfully helping at-risk youth for 30 years;

(2) commends the accomplishments of all of the graduates of the National Guard Youth Challenge Program; and

(3) reaffirms the commitment of the Senate to support—

(A) the National Guard Youth Challenge Program; and

(B) the critical mission of the National Guard Youth Challenge Program to help and develop the character of at-risk youth in the United States.

SENATE RESOLUTION 134—SUPPORTING THE GOALS AND IDEALS OF THE RISE UP FOR LGBTQI+ YOUTH IN SCHOOLS INITIATIVE, A CALL TO ACTION TO COMMUNITIES ACROSS THE COUNTRY TO DEMAND EQUAL EDUCATIONAL OPPORTUNITY, BASIC CIVIL RIGHTS PROTECTIONS, AND FREEDOM FROM ERASURE FOR ALL STUDENTS, PARTICULARLY LGBTQI+ YOUNG PEOPLE, IN K-12 SCHOOLS

Mr. SCHATZ (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 134

Whereas young people, teachers, school staff, families, and communities must be free from transphobia, homophobia, racism, sexism, and ableism in K-12 schools;

Whereas K-12 schools must be safe and inclusive learning environments that include and affirm LGBTQI+ young people, especially those who are transgender, nonbinary, intersex, Black, Indigenous, people of color, and people with disabilities and those who are from communities that experience marginalization;

Whereas, for more than 2 decades, Congress has supported a resolution for a National Day of Silence, and, for a decade, Congress has supported a resolution for No Name-Calling Week;

Whereas advocates have designated 2023 to 2024 as a time for communities to support the Rise Up for LGBTQI+ Youth in Schools Initiative in support of LGBTQI+ young people in schools by building on the goals of National Day of Silence and No Name-Calling Week to create a sustained call to action to demand equal educational opportunities, basic civil rights protections, and freedom from erasure for all students;

Whereas LGBTQI+ young people frequently experience bias-based bullying and harassment, discrimination, and punitive discipline that increases the likelihood they will enter the school-to-prison pipeline;

Whereas over 200 anti-LGBTQI+ education bills are introduced each year in State legislatures across the country, the majority of which specifically target transgender and nonbinary young people, including—

(1) in Idaho, where on March 30, 2020, Governor Brad Little signed the first bill into